

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

WILLIAM JERRELS,

Plaintiff,

v.

KRYSTAL DEADNER, ET AL.,

Defendants.

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CIVIL ACTION NO. 5:22-cv-79-RWS-JBB

ORDER OF DISMISSAL

Plaintiff William Jerrels, proceeding *pro se*, filed the above-captioned civil action complaining of alleged deprivations of his constitutional rights. Docket No. 1. The case was referred to the United States Magistrate Judge in accordance with 28 U.S.C. § 636.

Plaintiff was ordered to pay the statutory filing fee of \$402.00 or submit an application for leave to proceed *in forma pauperis* accompanied by a certified inmate trust account data sheet, as required by 28 U.S.C. § 1915(b). Docket No. 3. By separate order, the Magistrate Judge directed Plaintiff to file an amended complaint setting out a short and plain statement of his claims. Docket No. 2. Plaintiff received these orders on August 11, 2022, but over 18 months later he still has not complied with these orders. Docket Nos. 4, 5.

When Plaintiff did not comply or respond, the Magistrate Judge issued a Report recommending dismissal of the lawsuit without prejudice for failure to prosecute or to obey an order of the Court. A copy of the Magistrate Judge's Report was sent to Plaintiff at his last known address, but no objections have been received. The Fifth Circuit has explained that where a letter is properly placed in the United States mail, a presumption exists that the letter reached its destination in the usual time and was actually received by the person to whom it was addressed.

Faciane v. Sun Life Assurance Company of Canada, 931 F.3d 412, 420–21 and n.9 (5th Cir. 2019).

Because no objections have been filed, Plaintiff is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. *Duarte v. City of Lewisville, Texas*, 858 F.3d 348, 352 (5th Cir. 2017); *Arriaga v. Laxminarayan*, Case No. 4:21-CV-00203- RAS, 2021 WL 3287683, at *1 (E.D. Tex. July 31, 2021).

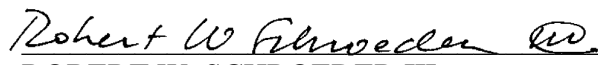
The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989) (where no objections to a Magistrate Judge’s Report are filed, the standard of review is “clearly erroneous, abuse of discretion and contrary to law.”). It is accordingly

ORDERED that the Report of the Magistrate Judge (Docket No. 6) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the above-styled civil action is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute or to obey an order of the Court. In the interest of justice, it is further

ORDERED that the statute of limitations on Plaintiff’s claims is suspended for a period of sixty (60) days following the date of entry of final judgment.

So ORDERED and SIGNED this 24th day of April, 2024.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE